

§ 301.89-4

–114.626363 longitude; then north along the C Canal to 33.549084 latitude and –114.626372 longitude; then east from that point to South Defrain Boulevard at 33.549145 latitude and –114.621792 longitude; then south on South Defrain Boulevard to 33.548217 latitude and –114.621774 longitude; then east from that point to Lovekin Drain at 33.548338 latitude and –114.612488 longitude; then south along Lovekin Drain to 22nd Avenue; then east on 22nd Avenue to South Lovekin Boulevard; then south on South Lovekin Boulevard to 33.541141 latitude and –114.603889 longitude; then east from that point to 33.541274 latitude and –114.595394 longitude; then southeast from that point to 33.540357 latitude and –114.59219 longitude; then south from that point to 33.536702 latitude and –114.595261 longitude; then northeast from that point to 33.537766 latitude and –114.593187 longitude; then east from that point to an unnamed canal beginning at 33.537887 latitude and –114.586582 longitude; then south along the unnamed canal to 33.534809 latitude and –114.586554 longitude; then southeast from that point to S C and D Boulevard at 33.534561 latitude and –114.586228 longitude; then south on S C and D Boulevard to 33.523400 latitude and –114.585948 longitude; then east from that point to the D-10-11 Canal at 33.523596 latitude and –114.577832 longitude; then southwest along the D-10-11 Canal to the boundary line of Riverside County at 33.540900 latitude and –114.544620 longitude; then southeast along the Riverside County boundary line to 33.455829 latitude and –114.623143 longitude; then west from that point to 33.455783 latitude and –114.669038 longitude; then north from that point to South End Drain at 33.456190 latitude and –114.669076 longitude; then north along South End Drain to 34th Avenue; then west on 34th Avenue to 33.463226 latitude and –114.682378 longitude; then north from that point to the C-18-1 Canal; then west along the C-18-1 Canal to 33.470427 latitude and –114.691076 longitude; then north from that point to an unnamed canal at latitude 33.474836 and –114.691197 longitude; then southwest along the unnamed canal to Palo Verde Lagoon; then northeast along Palo Verde Lagoon to Rannells Drain; then north along Rannells Drain to 33.499639 latitude and –114.961526 longitude; then north from that point to the C-03 Canal; then north along the C-03 Canal to 33.522835 latitude and –114.687051 longitude; then north from that point to 24th Avenue; then east on 24th Avenue to the C-03 Canal; then north along the C-03 Canal to 33.537501 latitude and –114.682892 longitude; then east from that point to Stephenson Boulevard; then north on Stephenson Boulevard to 22nd Avenue; then east on 22nd Avenue to the point of beginning.

[61 FR 52207, Oct. 4, 1996]

7 CFR Ch. III (1-1-11 Edition)

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 301.89-3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 301.89-4 Planting.

Any wheat, durum wheat, or triticale that originates within a regulated area must be tested and found free from bunted wheat kernels and spores before it may be used as seed within or outside a regulated area.

[69 FR 8096, Feb. 23, 2004]

§ 301.89-5 Movement of regulated articles from regulated areas.

(a) Any regulated article may be moved from a regulated area into or through an area that is not regulated only if moved under the following conditions:

(1) With a certificate or limited permit issued and attached in accordance with §§ 301.89-6 and 301.89-10;

(2) Without a certificate or limited permit, provided that each of the following conditions is met:

(i) The regulated article was moved into the regulated area from an area that is not regulated;

(ii) The point of origin is indicated on a waybill accompanying the regulated article;

(iii) The regulated article is moved through the regulated area without stopping, or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of contamination with Karnal bunt, or has been treated in accordance with part 305 of this chapter while in or moving through any regulated area; and

(iv) The article has not been combined or commingled with other articles so as to lose its individual identity;

(b) When an inspector has probable cause to believe a person or means of conveyance is moving a regulated article, the inspector is authorized to stop the person or means of conveyance to determine whether a regulated article is present and to inspect the regulated article. Articles found to be infected by an inspector, and articles not in compliance with the regulations in this subpart, may be seized, quarantined, treated, subjected to other remedial

measures, destroyed, or otherwise disposed of. Any treatments will be in accordance with part 305 of this chapter.

[61 FR 52207, Oct. 4, 1996, as amended at 62 FR 23627, May 1, 1997; 63 FR 50751, Sept. 23, 1998; 69 FR 8096, Feb. 23, 2004; 75 FR 4241, Jan. 26, 2010; 75 FR 68945, Nov. 10, 2010]

§ 301.89-6 Issuance of a certificate or limited permit.

(a) An inspector¹ or person operating under a compliance agreement will issue a certificate for the movement of a regulated article outside a regulated area if he or she determines that the regulated article:

(1) Is eligible for unrestricted movement under all other applicable Federal domestic plant quarantines and regulations;

(2) Is to be moved in compliance with any conditions deemed necessary under section 414 of the Plant Protection Act (7 U.S.C. 7714)² to prevent the artificial spread of Karnal bunt; and

(3)(i) Is free of Karnal bunt infestation, based on laboratory results of testing, and history of previous infestation;

(ii) Has been grown, produced, manufactured, stored, or handled in a manner that would prevent infestation or destroy all life stages of Karnal bunt; or

(iii) Has been treated in accordance with part 305 of this chapter.

(b) To be eligible for movement under a certificate, hay cut after the dough stage or grain from a field within a regulated area must be tested prior to its movement from the field or before it is commingled with similar commodities and must be found free from bunted kernels. If bunted kernels are found, the grain or hay will be eligible for

movement only under a limited permit issued in accordance with paragraph (c) of this section, and the field of production will be considered positive for Karnal bunt.

(c) An inspector or a person operating under a compliance agreement will issue a limited permit for the movement outside the regulated area of a regulated article not eligible for a certificate if the inspector determines that the regulated article:

(1) Is to be moved to a specified destination for specified handling, utilization, or processing (the destination and other conditions to be listed in the limited permit and/or compliance agreement), and this movement will not result in the artificial spread of Karnal bunt because Karnal bunt will be destroyed or the risk mitigated by the specified handling, utilization, or processing;

(2) Is to be moved in compliance with any additional conditions the Administrator may impose under section 414 of the Plant Protection Act (7 U.S.C. 7714) to prevent the artificial spread of Karnal bunt; and

(3) Is eligible for movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(d) An inspector shall issue blank certificates and limited permits to a person operating under a compliance agreement in accordance with § 301.89-7 or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the movement of regulated articles that have met the applicable requirements of paragraphs (a) and (b) of this section for the issuance of certificates or of paragraph (c) of this section for the issuance of limited permits.

[61 FR 52207, Oct. 4, 1996, as amended at 62 FR 23627, May 1, 1997; 63 FR 50751, Sept. 23, 1998; 64 FR 23754, May 4, 1999; 66 FR 21053, Apr. 27, 2001; 67 FR 21161, Apr. 30, 2002; 69 FR 8096, Feb. 23, 2004; 75 FR 4241, Jan. 26, 2010; 75 FR 68945, Nov. 10, 2010]

¹Inspectors are assigned to local offices of APHIS, which are listed in local telephone directories. Information concerning such local offices may also be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Surveillance and Emergency Programs Planning and Coordination, 4700 River Road Unit 98, Riverdale, Maryland 20737-1236.

²An inspector may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant pests, or other articles in accordance with sections 414, 421, and 431 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).